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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,122	11/14/2001	Mike Dennis	OAE 306	5951

23855 7590 03/05/2003

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PORTLAND, OR 97214

EXAMINER

KAVANAUGH, JOHN T

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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N.K.

10/003122 APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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10

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Commissioner of Patents and Trademarks

The reply filed on Feb. 18, 2003 is not fully responsive to the prior Office Action because: the reply doesn't satisfies the requirements of 37 CFR 1.111 such as applicant hasn't "specifically point out how the language of the claims patentably distinguishes them from the references". Applicant hasn't provided no comment specific or general on how the claims now define of the prior art rejection. Applicant needs to be specific. Applicant has provided a general statement of how "Some of the material refereed to in this additional commercial literature are indeed slow-return materials, but not ones which perform with the acceleration-rate-sensitive called for in Applicants' claims, and present in Applicants' invention". However, this general statement is not specific on how the claims define over the prior art. Specific comments need to be provided with regard to the prior art rejection and the newly cited prior art.

Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06" MPEP 714.02. Regarding the Obvious type Double Patenting rejection, there is no official paper in these applications reflecting that they are abandoned, other than applicant's statement in this application that they are abandoned. With regard to documents A and B, it is still suggested applicant delete the reference to these documents in the specification. Moreover, if the application is allowed these documents will not be attached to the patent and therefore this information would be moot. If applicant wants these documents part of the specification then he should provide a proper amendment to the specification and demonstrate how this material is not new matter. The documents can be kept in the file and applicant could list them on a PTO-1449. Applicant states that these documents were present in the other applications, however these applications were filed after this application. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

10/003122

Ted Kavanaugh
Ted Kavanaugh
Primary Examiner
Art Unit: 3728

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